THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.952-M of 2007
Date of Decision:- 19.03.2007

Amandeep Kaur & ors. ....Petitioner(s)

through
Mr.S.S.Hira, Advocate

vs.

State of Punjab & anr. ....Respondent(s)

through
Mr.Amit Khanna, AAG, Punjab.
Mr.Naresh Kaushik, Advocate
for respondent No.2.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

***

SURYA KANT, J.

The prayer in this petition is for quashing of F.I.R.No.84 dated 6.5.2006 under Sections 366, 379 and 120-B IPC registered at Police Station Tanda, District Hoshiarpur and all the other consequential proceedings arising therefrom.

The above-stated F.I.R. has been registered on a complaint made by respondent No.2 (Jasbeer Singh son of Joga Singh).

The above-named complainant is none else than the husband of petitioner No.1 (Amandeep Kaur). The other petitioners are co-accused of petitioner No.1.

As per the allegations contained in the F.I.R., petitioner No.1 ran away from her matrimonial home along with her co-accused and while

leaving, she also took away the cash and other valuable items lying in the house.

Learned counsel for the parties are in agreement that the above-stated F.I.R. has originated out of a matrimonial dispute between petitioner No.1 and her, the then husband, namely, respondent No.2-the complainant.

Learned counsel has also placed on record certified copy of the judgment dated March 15, 2007 passed by the learned District Judge, Hoshiarpur whereby on a joint petition filed under Section 13-B of the Hindu Marriage Act by the parties, marriage between petitioner No.1 and respondent No.2 has since been dissolved by mutual consent.

After hearing learned counsel for the parties and having regard to the principle laid down by the Hon'ble Supreme Court in the case of **B.S.Joshi** vs. **State of Haryana,** 2003 (4) SCC 675 and having been satisfied that the real cause behind the registration of the F.I.R.in question is the matrimonial dispute between the parties which has since been amicably resolved by them and they have parted their ways from each other, I am satisfied that no useful purpose shall be served by continuing with the impugned proceedings which are nothing but an exercise in futility and an abuse of process of law.

Consequently, this petition is allowed. The F.I.R.No. 84 dated 6.5.2006 under Sections 366, 379 and 120-B IPC registered at Police Station Tanda, District Hoshiarpur and all the other consequential proceedings arising therefrom are hereby quashed.

March 19, 2007 **(SURYA KANT)**
poonam **JUDGE**